IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 44 OF 2006

IN

CIVIL REVISION APPLN.ST. 8601 OF 1997

The State of Maharashtra .. Applicant

versus

Ramchandra Bhiku Rasal(dec) thru

LRs Smt.Namuna R. Rasal & Ors. .. Respondents

...

Mr.S.N. Gawade, AGP for the applicant.

CORAM : D.G. KARNIK, J

DATED : 6th December 2006

P.C.:

1. Heard learned AGP for the applicant.

2. This civil application is taken out by the applicant for condonation of delay of over 15 years in bringing the heirs of respondent no.4 on record.

3. Respondent no.4 expired on 3rd July 1990. Application for bringing his heirs on record was not made till the year 2006. In the application, it is stated that District Resettlement officer informed the Government pleader about the death of respondent no.4 only on 13th February 2006 and therefore the delay. However, what is material is not when the Government Pleader became aware of the death but when the District Resettlement Officer became aware of the death. In the whole of the application, it is nowhere stated when the District Resettlement Officer became aware of the death. No reason is given for the District Resettlement Officer not informing the Government Pleader of the death of the respondent no.4 In the circumstances, no sufficient ground is made out for condonation of delay which is of over 15 years.

4. The civil application is dismissed.

(D.G. KARNIK, J)